

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

FILED

DEC 11 2020

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

ISAIAH THOMAS WILLOUGHBY,

Defendant-Appellant.

No. 20-30238

D.C. Nos.

2:20-cr-00111-JCC-1

2:20-cr-00111-JCC

Western District of Washington,  
Seattle

ORDER

Before: THOMAS, Chief Judge, HURWITZ and BADE, Circuit Judges.

This is an appeal from the district court's order denying appellant's motion to reopen the detention hearing. We have jurisdiction pursuant to 18 U.S.C. § 3145(c) and 28 U.S.C. § 1291. We affirm in part and dismiss in part.

The district court did not abuse its discretion in denying appellant's motion to reopen. *See United States v. Strong, United States v. Strong*, 489 F.3d 1055, 1060 (9th Cir. 2007) (recognizing a district court's "discretion to reopen the detention hearing"). The district court correctly determined that appellant had failed to present new information that was unknown to appellant at the time of the detention hearing. *See* 18 U.S.C. § 3142(f) (permitting reopening of a detention hearing when "information exists that was not known to the movant at the time of the [detention] hearing"). We therefore affirm the district court's order denying appellant's motion to reopen the detention hearing.

To the extent that appellant seeks review of the initial detention order, we dismiss this appeal in part for lack of jurisdiction. The notice of appeal was not filed within 14 days of the district court's August 3, 2020 order. *See* Fed. R. App. P. 4(b)(1)(a) (requiring a notice of appeal to be filed within 14 days of the order being appealed); *United States v. Sadler*, 480 F.3d 932, 940 (9th Cir. 2007) (holding that Fed. R. App. P. 4(b) is an "inflexible claim-processing" rule requiring dismissal when the government properly raises the untimeliness).

**AFFIRMED in part, DISMISSED in part.**